

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHALECSHA MOORE,

Plaintiff,

Case No. 13-cv-11831

v.

Honorable Patrick J. Duggan

MILLICENT WARREN, JODI
DeANGELO, DR. PEI, R.N. OZOR,
and SUBRINA AIKENS,

Magistrate Judge David R. Grand

Defendants.

**OPINION AND ORDER ADOPTING REPORT AND
RECOMMENDATION AND DENYING PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION**

On April 23, 2013, Plaintiff Shalecsha Moore, a state prisoner in the custody of the Michigan Department of Corrections ("MDOC"), instituted this *pro se* civil rights action pursuant to 28 U.S.C. § 1983 alleging a claim of deliberate indifference to her serious medical needs in violation of the Eighth Amendment to the United States Constitution. (ECF No. 1.) At all times relevant to the allegations contained in Plaintiff's Complaint, Plaintiff was incarcerated at the Women's Huron Valley Correctional Facility ("WHV") in Ypsilanti, Michigan. Plaintiff's Complaint names four MDOC employees as defendants (the "MDOC Defendants"): Warden Millicent Warren, Deputy Warden Jodi DeAngelo, Nurse Catherine Ozor, and Nurse Subrina Aikens. Prison Health Services employee Dr.

Pei is also a named Defendant. On June 28, 2013, the MDOC Defendants filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56.

The Court referred the lawsuit to Magistrate Judge David R. Grand for all pretrial matters, proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). Subsequently, the Court granted the MDOC Defendants' motion except as to Defendant DeAngelo.

Dr. Pei answered Plaintiff's Complaint and has not yet sought dismissal.

Accordingly, only two defendants remain before the Court.

While the MDOC Defendants' motion for summary judgment was pending, Plaintiff filed a motion for class certification and this motion is presently before the Court. Attached to the motion are thirty four statements from other inmates at WHV. On February 28, 2014, Magistrate Judge Grand issued a Report and Recommendation ("R&R") concluding that Plaintiff is unable to satisfy the requirements of class certification as set forth in Federal Rule of Civil Procedure 23(a). At the conclusion of the R&R, Magistrate Judge Grand advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. He further specifically advises the parties that that failure to file specific objections constitutes a waiver of any further right to appeal. Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grand. The Court therefore adopts Magistrate Judge Grand's February 28, 2014 Report and Recommendation.

Accordingly,

IT IS ORDERED that Plaintiff's motion for certification as a class action is **DENIED**.

Date: April 15, 2014

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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